

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.  
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In re:

BERNARD L. MADOFF,

Debtor.  
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IRVING PICARD, Trustee for the  
Liquidation of Bernard L. Madoff Investment  
Securities LLC,

Plaintiff,

v.

SOCIETE GENERALE PRIVATE BANKING  
(SUISSE) S.A. (f/k/a SG Private Banking Suisse  
S.A.), et al.,

Defendants.  
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No. 08-01789 (BRL)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 12-01677 (BRL)

**DECLARATION OF BRIAN J. BUTLER IN RESPONSE  
TO THE ORDER TO SHOW CAUSE**

Brian J. Butler, hereby declares, under the penalty of perjury, that the following is  
true and correct:

1. I am a member of the law firm Bond, Schoeneck & King, PLLC, counsel for the defendants OFI MGA Alpha Palmares (f/k/a/ Oval Alpha Palmares ("OFI"), Oval Palmares Europlus ("Palmares") and UMR Select Alternatif ("UMR") (collectively the "OFI Funds") in the above-captioned proceeding. I submit this declaration in response to the Court's Order to Show Cause Directing Bond, Schoeneck & King, PLLC to Appear and Show Cause Why Default Judgment Should Not Be Entered Against The OFI Funds and Why They Should Not be Reported for Violating the New York Rules of Professional Conduct (ECF No. 160).

2. As set forth in the Declaration of Stéphane Ciccardini, the Directeur Juridique (General Counsel) for OFI Asset Management Company, which is annexed hereto as **Exhibit A**, as the manager of the dissolved Palmares and the manager of OFI and UMR, OFI Asset Management Company engaged Bond, Schoeneck & King, PLLC to represent the interests of the unit holders of each of the OFI Funds. OFI Asset Management Company first engaged Bond, Schoeneck & King, PLLC to represent the OFI Funds in an adversary proceeding brought against the OFI Funds by Fairfield Sentry Limited in 2011 (Adv. Pro. No. 11-02613). OFI Asset Management Company executed an engagement letter in 2011 with Bond, Schoeneck & King, PLLC that detailed the scope of representation and the fees to be charged for such representation.

7. When the complaint was filed by the Trustee in this adversary proceeding in 2012, OFI Asset Management engaged Bond, Schoeneck & King, PLLC to represent the OFI Funds in this adversary proceeding. Because the representation of the OFI Funds in this adversary proceeding was of the same general kind as previously rendered to and paid for in the Fairfield Sentry adversary proceeding, pursuant to 22

NYCRR 1215.2(b) a second engagement letter with Bond, Schoeneck & King, PLLC was not required and the terms of representation contained in the engagement letter that OFI Asset Management Company entered into in 2011, on behalf of the same funds and for the recovery of the same transfers, governs Bond, Schoeneck & King, PLLC's work in this adversary proceeding.

Dated: September 7, 2022  
Syracuse, New York

  
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Brian J. Butler